UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

N. DEL RIO bnf VICTOR DEL RIO)
Plaintiffs)
)
v.) Civil Action No. ____________
)
HONORABLE BARACK OBAMA in their official capacity as)
U.S. PRESIDENT;)
HONORABLE ERIC HOLDER in their official capacity as)
U.S. ATTORNEY GENERAL;)
HONORABLE JAMES COLE in their official capacity as
U.S. DEPUTY ATTORNEY GENERAL;
HONORABLE STUART DELERY in their official capacity as
U.S. ACTING ASSOCIATE ATTORNEY GENERAL;
HONORABLE DONALD VERRILLI JR in their official capacity as
U.S. SOLICITOR GENERAL;
HONORABLE MICHAEL E. HOROWITZ in their official capacity as
U.S. INSPECTOR GENERAL;
HONORABLE VANITA GUPTA in their official capacity as
U.S. ACTING ASSISTANT ATTORNEY GENERAL (CRD);
HONORABLE JOYCE R BRANDA in their official capacity as
U.S. ACTING ASSISTANT ATTORNEY GENERAL (CD);
HONORABLE LESLIE R. CALDWELL in their official capacity as
U.S. ACTING ASSISTANT ATTORNEY GENERAL (CRIMINAL DIVISION);
HONORABLE GRANDE H. LUM in their official capacity as
DIRECTOR (CRS);
HONORABLE STACY LUDWIG in their official capacity as
U.S. ACTING DIRECTOR (PRAO);
HONORABLE KARL R. THOMPSON in their official capacity as
U.S. PRINCIPAL DEPUTY ASSISTANT ATTORNEY GENERAL (OLC);
HONORABLE ELANA TYRANGIEL in their official capacity as
U.S. PRINCIPAL DEPUTY ASSISTANT ATTORNEY GENERAL (OLP);
HONORABLE KAROL V. MASON in their official capacity as
U.S. ASSISTANT ATTORNRY GENERAL (OJP);
HONORABLE ROBIN ASHTON in their official capacity as
COUNSEL (OPR);
HONORABLE JOHN P. CARLIN in their official capacity as
U.S. ASSISTANT ATTORNEY GENERL FOR NATIONAL SECURITY;
HONORABLE MONTY WILKINSON in their official capacity as
DIRECTOR (EOUSA);
HONORABLE PETER J. KADZIK in their official capacity as
U.S. ASSISTANT ATTORNEY GENERAL (OLA);
HONORABLE LEE J. LOFTHUS in their official capacity as
U.S. ASSISTANT ATTORNEY GENERL FOR ADMINISTRATION;
HONORABLE JAMES B. COMEY in their official capacity as
DIRECTOR (FBI);
HONORABLE STACIA HYLTON in their official capacity as
DIRECTOR (USMS);
HONORABLE KENNETH MAGIDSON in their official capacaity as
U.S. ATTORNEY;
HONORABLE BRIAN FALLON in their official capacity as
DIRECTOR (OPA);
HONORABLE TRACY TOULOU in their official capacity as
DIRECTOR (OTJ);
HONORABLE CLIFFORD J. WHITE III in their official capacity as
DIRECTOR (USTP);
HONORABLE BEA HANSON in the official capacity as
PRINCIPAL DEPUTY DIRECTOR (OVW);
HONORABLE RONALD L. DAVIS in their official capacity as
DIRECTOR (COPS);

HONORABLE MELANIE ANN PUSTAY in their official capacity as
DIRECTOR (OIP);
HONORABLE ANUJ C. DESAI in their official capacity as
COMMISSIONER (FCSC);
HONORABLE WILLIAM J. BAER in their official capacity as
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HONORABLE CHARLES E. SAMUELS, JR in their official capacity as
DIRECTOR (FBP);
HONORABLE SHAWN A. BRAY in their official capacity as
DIRECTOR (INTERPOL);
HONORABLE JUAN P. OSUNA in their official capacity as
DIRECTOR (EOIR);
HONORABLE ISAAC FULWOOD, JR in their official capacity as
CHAIRMAN (USPC);
HONORABLE NAME UNKNOWN in their official capacity as
DIRECTOR (OCDETF).

Defendants

EMERGENCY COMPLAINT

01.

Plaintiff, N. DEL RIO, was and still is a resident of Harris County living at 3400 Ocee St, # 2115, Houston, TX 77063.

02.

Plaintiff, VICTOR DEL RIO, was and still is a resident of Harris County living at 2427 Pinpoint Dr, Spring, TX 77373.

03.

Defendant, U.S. PRESIDENT BARACK OBAMA, is responsible for the execution and enforcement of the laws created by Congress and signing the United States Supreme Court mandate. See Article II of the U.S. Constitution.

04.

Defendant, U.S. ATTORNEY GENERAL ERIC HOLDER, is the 1st person in command at the U.S Department of Justice to supervise and direct the administration and operation of the Department of Justice. See 28 CFR Part 0, Subpart B.

05.

Defendant, U.S. DEPUTY ATTORNEY GENERAL JAMES COLE, is the 2nd person in command at the U.S. Department of Justice to advise and assist the Attorney General in formulating and implementing Department policies and programs and in providing overall supervision and direction to all organizational units of the Department. See 28 CFR Part 0, Subpart C.

06.

Defendant, U.S. ASSOCIATE ATTORNEY GENERAL STUART DELERY, is the 3rd person in command at the U.S. Department of Justice and is a principal member of the Attorney General's senior management team. See 28 CFR Part 0, Subpart C-1.

07.

Defendant, U.S. SOLICITOR GENERAL DONALD B. VERRILLI, JR, is the 4th person in command at the U.S.Department of Justice and is appointed to represent the federal government and determines the legal position of the United States (aka U.S. Department of Justice) in all cases before the Supreme Court of the United States. See 28 CFR Part 0, Subpart D.

08.

Defendant, U.S. INSPECTOR GENERAL MICHAEL E. HOROWITZ, is the head of the Office of the Inspector General (OIG) whose mission is to detect and deter waste, fraud, abuse, and misconduct in DOJ programs and personnel, and to promote economy and efficiency in Department operations. See 28 CFR Part 0, Subpart E-4.

09.

Defendant, U.S. ACTING ASSISTANT ATTORNEY GENERAL VANITA GUPTA is head of the Civil Rights Division of the U.S. Department of Justice shall, except as reserved herein, exercise the authority vested in and perform the functions assigned to the Attorney General by Executive Order 12250. See 28 CFR Part 0, Subpart J.

10.

Defendant, U.S. ACTING ASSISTANT ATTORNEY GENERAL JOYCE R BRANDA is the head of the Civil Division (CD) which represents the United States, its departments and agencies, Members of Congress, Cabinet Officers, and other federal employees in any civil or criminal matter within its scope of responsibility. See 28 CFR Part 0, Subpart I.

11.

Defendant, U.S. ACTING ASSISTANT ATTORNEY GENERAL LESLIE R. CALDWELL, is head of the Criminal Division whose mission is to develop, enforce, and supervise the application of all federal criminal laws except those specifically assigned to other divisions. See 28 CFR Part 0, Subpart K.

12.

Defenant, DIRECTOR GRANDE H. LUM, is the head of the Community Relations Service (CRS) whose mission is to help communities develop strategies to prevent and respond to violent hate crimes on the basis of actual or perceived race, color, national origin, gender, gender identity, sexual orientation, religion or disability. See 28 CFR Part 0, Subpart F.

13.

Defendant, U.S. ACTING DIRECTOR STACY LUDWIG is head of the Professional Responsibility Advisory Office which is to provide prompt, consistent advice to Department attorneys and Assistant United States Attorneys with respect to professional responsibility and choice-of-law issues. See 28 CFR Part 0, Subpart V-2

14.

Defendant, U.S. PRINCIPAL DEPUTY ASSISTANT ATTORNEY GENERAL KARL R. THOMPSON, is the head of the Office of Legal Counsel (OLC) which is an office in the United States Department of Justice that assists the Attorney General in his function as legal adviser to the President and all executive branch agencies. See 28 CFR Part 0, Subpart E

15.

Defendant, U.S. PRINCIPAL DEPUTY ASSISTANT ATTORNEY GENERAL ELANA TYRANGIEL, is the head of the Office of Legal Policy (OLP) is responsible for developing policy initiatives of high priority to the Department and the Administration. See 28 CFR Part 0, Subpart D-2

16.

Defendant, U.S. ASSISTANT ATTORNEY GENERAL KAROL V. MASON, is the head of the Office of Justice Programs (OJP) , who assists the Department of Justice leadership in implementing Department policies and programs, and promotes coordination among the OJP bureaus and offices. See 28 CFR Part 0, Subpart P-1.

17.

Defendant, COUNSEL ROBIN ASHTON, is the head of the Office of Professional Responsibility (OPR) which was established by order of the Attorney General to ensure that Department of Justice attorneys and law enforcement personnel perform their duties in accordance with the highest professional standards expected of the nation's principal law enforcement agency.
See 28 CFR Part 0, Subpart G-2.

18.

Defandant, U.S. ASSISTANT ATTORNEY GENERL FOR NATIONAL SECURITY JOHN P. CARLIN, is head of the National Security Division (NSD) which is designed to ensure greater coordination and unity of purpose between prosecutors and law enforcement agencies, on the one hand, and intelligence attorneys and the Intelligence Community, on the other, thus strengthening the effectiveness of the federal government's national security efforts. See 28 CFR Part 0, Subpart N

19.

Defendant, DIRECTOR MONTY WILKINSON, is the head of the Executive Office for United States Attorneys (EOUSA) charged with ensuring "that the laws be faithfully executed," the 93 United States Attorneys work to enforce federal laws throughout the country. See 28 CFR Part 0, Subpart D-1.

20.

Defendant, ASSISTANT ATTORNEY GENERAL PETER J. KADZIK, is head of the Office of Legislative Affairs (OLA) which is responsible for coordinating the relationship between U.S. Congress and U.S. Department of Justice. See 28 CFR Part 0, Subpart E-2.

21.

Defendant, ASSISTANT ATTORNEY GENERL FOR ADMINISTRATION LEE J. LOFTHUS, is the head of the Justice Management Division (JMD) whose mission is to support the some 40 senior management offices (SMOs), offices, bureaus, and divisions (collectively called *components*) of the DOJ. See 28 CFR Part 0, Subpart O.

22

.Defendant, DIRECTOR JAMES B. COMEY, is the head of the Federal Bureau of Investigation (FBI) whose mission is to aggressively investigate and work to prevent hate crime, "color of law" abuses by public officials, human trafficking and involuntary servitude, and freedom of access to clinic entrances violations. See 28 CFR Part 0, Subpart P.

23..

Defendant, DIRECTOR STACIA HYLTON, is the head of the U.S. Marshals Service whose mission is to enforce federal laws and provide support to virtually all elements of the federal justice system. See 28 CFR Part 0, Subpart T

24.

Defendant, U.S. ATTORNEY KENNETH MAGIDSON, is the chief law enforcement officer responsible for prosecuting and defending the interests of the United States in the Southern District of Texas (Houston Division) and working with the Civil Rights Division as partners to ensure a vigorous national civil rights enforcement program. See Judiciary Act of 1789; US Attorney's Manual 8-2.100 Investigation and Trials, 8-2.410 Disability Rights Section --ADA Enforcement, and 8-3.100 Coordination of Activities. See 28 CFR Part 0, Subpart B.

25.

Defendant, DIRECTOR BRIAN FALLON, is the head of the Office of Public Affairs who is responsible for ensuring that the public is informed about the Department's activities and about the priorities and policies of the Attorney General and the President with regard to law enforcement and legal affairs. See 28 CFR Part 0, Subpart E-3.

26.

Defendant, DIRECTOR TRACY TOULOU, is the head of the Office of Tribal Justice whose mission is to provide a principal point of contact within the Department of Justice to listen to the concerns of Indian Tribes and other parties interested in Indian affairs and to communicate the Department's policies to the Tribes and the public; to promote internal uniformity of Department of Justice policies and litigation positions relating to Indian country; and to coordinate with other Federal agencies and with State and local governments on their initiatives in Indian country. See 28 CFR Part 0, Subpart W-1.

27.

Defendant, DIRECTOR CLIFFORD J. WHITE III, is the head of the U.S. Trustee Program whose mission is to promote the efficiency and protect the integrity of the Federal bankruptcy system. See 28 CFR Part 0, Subpart G-1.

28.

Defendant, PRINCIPAL DEPUTY DIRECTOR BEA HANSON, is the head of the Office on Violence Against Women (OVW), whose mission is to provide federal leadership in developing the national capacity to reduce violence against women and administer justice for and strengthen services to victims of domestic violence, dating violence, sexual assault, and stalking. See 28 CFR Part 0, Subpart U-2.

29.

Defendant, DIRECTOR RONALD L. DAVIS, is the head of the Office of Community Oriented Policing Services (COPS) whose mission is advancing community policing nationwide and supporting the community policing activities of state, local, and tribal law enforcement agencies. See 28 CFR Part 0, Subpart U-1.

30.

Defendant, DIRECTOR MELANIE ANN PUSTAY, is the head of the Office of Information Policy whose mission is developing guidance for Executive Branch agencies on the Freedom of Information Act (FOIA), for ensuring that the President's FOIA Memorandum and the Attorney General'□□s FOIA Guidelines are fully implemented across the government, and for overseeing agency compliance with the law. See 28 CFR Part 0, Subpart D-3.

31.

Defendant, COMMISSIONER ANUJ C. DESAI, is the head of the Foreign Claims Settlement Commission (FCSC) whose mission is to adjudicate claims of U.S. nationals against foreign governments, under specific jurisdiction conferred by Congress, pursuant to international claims settlement agreements, or at the request of the Secretary of State. See 28 CFR Part 0, Subpart V-1.

32.

Defendant, ASSISTANT ATTORNEY GENERAL WILLIAM J. BAER, is head of the Antitrust Division is to promote economic competition through enforcing and providing guidance on antitrust laws and principles. See 28 CFR Part 0, Subpart H.

33.

Defendant, DEPUTY ASSISTANT ATTORNEY GENERAL DAVID A. HUBBERT, is the head of the TAX DIVISION whose mission is to enforce the nation's tax laws fully, fairly, and consistently, through both criminal and civil litigation, in order to promote voluntary compliance with the tax laws, maintain public confidence in the integrity of the tax system, and promote the sound development of the law. See 28 CFR Part 0, Subpart M.

34.

Defendant, ACTING ASSISTANT ATTORNEY GENERAL SAM HIRSCH, is the head of the Environment and Natural Resources Division whose mission is to enforce civil and criminal environmental laws and programs protecting the health and environment of the United States, and to defend suits challenging those laws and programs. See 28 CFR Part 0, Subpart L

35.

Defendant, ADMINISTRATOR MICHELE M. LEONHART, is the head of the Drug Enforcement Administration whose mission is combating drug smuggling and use within the United States See 28 CFR Part 0, Subpart R

36.

Defendant, DIRECTOR B. TODD JONES, is the head of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) whose mission is enforcing firearms and explosives laws that protect communities from violent criminals and criminal organizations. See 28 CFR Part 0, Subpart W.

37.

Defendant, DIRECTOR CHARLES E. SAMUELS, JR, is the head of the Federal Bureau Of Prisons whose mission is ensuring that federal offenders serve their sentences of imprisonment in facilities that are safe, humane, cost-efficient, and appropriately secure, and provide reentry programming to ensure their successful return to the community. See 28 CFR Part 0, Subpart Q.

38.

Defendant, DIRECTOR SHAWN A. BRAY, is the head of INTERPOL Washington whose mission is to advance the law enforcement interests of the United States as the official representative to the International Criminal Police Organization (INTERPOL); to share criminal justice, humanitarian, and public safety information between our nation's law enforcement community and its foreign counterparts, and to facilitate transnational investigative efforts that enhance the safety and security of our nation See 28 CFR Part 0, Subpart F-2.

39.

Defendant, DIRECTOR JUAN P. OSUNA, is the head of the Executive Office for Immigration Review (EOIR) whose mission is adjudicating immigration cases in the United States. See 28 CFR Part 0, Subpart U.

40.

Defendant, CHAIRMAN ISAAC FULWOOD, JR., is the head of the U.S. Parole Commission whose mission is to promote Public Safety and strive for justice and fairness in the exercise of its authority to release, revoke and supervise offenders under its jurisdiction. See 28 CFR Part 0, Subpart V

41.

Defendant, DIRECTOR NAME UNKNOWN, is the head of the Executive Office for Organized Crime Drug Enforcement Task Force (OCDETF) whose mission is the disruption of major drug trafficking operations and related crimes, such as money laundering, tax and weapon violations, and violent crime.

42.

JURISDICTION of this COURT is invoked under 28 U.S.C. § 1343, 1361, and 1367.

43.

The United States Department of Justice (DOJ) is the U.S. federal executive department responsible for the enforcement of the law and administration of justice, equivalent to the justice or interior ministries of other countries.

44.

And as the DOJ can be considered a board of a corporation, UNITED STATES, plaintiffs, with no more time or money to spare, are asking for mandamus against the entire board . "If the duty sought to be compelled rests with a board, then all members must be joined, both as officers and individuals." {*Gaal v. Townsend*, 14 S.W. 365 (Tex. 1890)}. A writ against a board must be directed to all board members. {*Culberson County v. Groves Lumber Co.*, 191 S.W. 165 (Tex. Civ. App. - El Paso 1917, no writ)}.

45.

Having been denied legal counsel and son for seven wasted years, Plaintiff cannot presume to know how DOJ operates or if it can proceed to act without the entire leadership's approval or whose assistance is required, or properly guess the size and scope of this aggravated case.

46.

Only those persons who have the clear duty to perform the action sought need be joined as defendants. Those persons not charged with such a duty need not be joined. {*Bryant v. O'Donnell*, 359 S.W.2d 170 (Tex. Civ. App. - Dallas 1962, no writ)}.

47.

All persons charged with the performance sought to be compelled by the mandamus action should be joined as defendants. A party not joined as a defendant is not bound by any subsequent mandamus order. {*Morton's Estate v. Chapman*, 75 S.W.2d 876 (Tex. 1934)}

48.

The Plaintiffs claim they continue to tolerate state and federal disability discrimination , in THE STATE OF TEXAS, in violation of 29 U.S.C. § 794 and 42 U.S.C. § 12101 et seq., because of possibly irreparable and fatal injuries done to them primarily by TRACEY DEL RIO, DR. GURNEY PEARSALL SR and JR, SPRING ISD, and HOUSTON ISD, since 1998, to fraudulently collect federal funding by denying N. his F.A.P.E., his father, and legal remedy under color of state law, Family Court 311 case no. 2000-27121.

49.

Since 2007, Plaintiffs seek legal remedy by the UNITED STATES, ref previous cases in this court: 4:12-cv-1121 - N. DEL RIO bnf VICTOR DEL RIO vs. THE STATE OF TEXAS & WASHINGTON D.C., as well as other cases against the state. Pursuant to 28 U.S.C. § 1343 (D.C. - is considered to be a state), including the legal requirements of 28 U.S.C. § 530b, should make a state officials of the DEFENDANTS who are subject to 42 U.S.C. § 1983. which essentially made equitable relief available to those whose constitutional rights had been violated by an actor acting under State authority.

50.

Rule 24(a) of the Federal Rules of Civil Procedure provides for intervention as of right when a statute of the United States confers an unconditional right to intervene or when the applicant claims an interest in the subject matter of the action which may be affected. Rule 24(b) provides for permissive intervention when an applicant's claim and the main action have common questions of law or fact. See 28 CFR 0.5, 28 CFR 0.15, 28 CFR 0.19, 28 CFR 0.20, 28 CFR 0.50, and 42 U.S.C. § 1983 and 12133.

51.

The United States' prominent enforcement role is reflected in the statutory authorization given the Attorney General to commence a legal action when discrimination prohibited by the ADA takes place. 42 U.S.C. § 12133.

52.

The United States District Courts ("USDC") are legislative courts typically proceeding in legislative mode. See American Insurance v. 356 Bales of Cotton, 1 Pet. 511, 7 L.Ed. 242 (1828) (C.J. Marshall's seminal ruling); and Balzac v. Porto Rico, 258 U.S. 298, 312 (1922) (The USDC is not a true United States court established under Article III.) See 28 U.S.C. §§ 88, 91, 132, 152, 171, 251, 458, 461, 1367.

53.

Legislative courts are not required to exercise the Article III guarantees required of constitutional courts. See Keller v. Potomac Electric Power Co., 261 U.S. 428 (1923).

54.

PLAINTIFFS requires immediate equitable legal remedy through INTERVENTION OF RIGHT by the UNITED STATES for his son, "adopted" son", adopted feral cats, priceless time together and everything else taken away by the state.

55.

Declaration: Pursuant to 28 U.S.C. § 1746(1). I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date: Nov 19, 2014

Very respectfully submitted,

X______________________

2427 Pinpoint Drive
Spring, TX 77373
delrvich@gmail.com
ph: 281-770-3739

UNITED STATES DISTRICT COURT
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HONORABLE ISAAC FULWOOD, JR in their official capacity as
CHAIRMAN (USPC);
HONORABLE NAME UNKNOWN in their official capacity as
DIRECTOR (OCDETF).

Defendants

NOTICE OF MOTION AND MOTION FOR INTERVENTION OF RIGHT

01.

Plaintiffs move this Court again for INTERVENTION OF RIGHT by the DEFENDANTS, particularly 28 CFR 0.20, 28 C.F.R. § 0.50, 42 U.S.C. § 12133. Article II of the Constitution, previously denied in Case No. H-12-624 etc..., pursuant to Federal Rules of Civil Procedure ("FRCP") Rule 24(a), and to provide timely Notice to all interested parties of same, pursuant to FRCP Rule 24c; and Article III, Section 2, Clause 1 ("3:2:1") in the Constitution for the United States of America (hereinafter "US Constitution").

02.

For the foregoing reasons in Complaint, the Motion to Intervene must be granted quickly.

03.

Subject to all applicable provisions of law, Plaintiffs hereby expressly reserve all rights of party for themselves and shall be subject to all liabilities of a party as to court costs, to the extent necessary for a proper presentation of the facts and laws.

04.

All premises having been duly considered, Plaintiff now moves this Court to perform their legal bound duty,

05.

Declaration: Pursuant to 28 U.S.C. § 1746(1). I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date: Nov 19, 2014

Very respectfully submitted,

X______________________

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Spring, TX 77373
delrvich@gmail.com
ph: 281-770-3739